

## **REMARKS**

### **Status**

This Amendment is responsive to the Office Action mailed April 5, 2006 and Advisory Action mailed June 19, 2006, in which Claims 1-15 were rejected. Claims 1-15 have been canceled and new Claims 19 – 27 have been added. Claims 16-18 have been withdrawn from consideration. New Claims 19-27 are considered to be fully supported by the application as originally filed and not to present any new matter.

### **Claim Rejection - 35 USC 112**

Claims 1-15 stand rejected under 35 USC 112, first paragraph, as failing to comply with the written description requirement.. Claims 1-15 have been canceled and new Claims 19-27 added. New Claims 19-27 are considered to meet all of the requirements of the Patent Statute including 35 USC 112. The rejection is therefore considered moot and it is requested that this rejection be reconsidered and withdrawn.

### **Claim Rejection - 35 USC 102 and 103**

Claims 1-11 stand rejected under 35 USC 102(e) as being anticipated by, or in the alternative, under 35 USC 103(a) as obvious over US Patent No. 6,569,614 (Shoji). Claims 1-15 stand rejected under 35 USC 102(b) as anticipated by or, in the alternative, under 35 USC 103(a) as obvious over EP0600586B1 (EP '586). These rejections are respectfully traversed and are considered moot by the cancellation of Claims 1-15 and the addition of new Claims 19-27. New Claims 19-27 are deemed novel and nonobvious over the art of record and should be allowed.

According to the invention as defined by new Claims 19-27, there is provided media comprising a support and an image element on the support. The image element has an exposed and thermally developed medical image which has a Dmin and a Dmax optical density, wherein Dmin is defined as optical density achieved when the media is thermally developed without prior exposure to radiation, and Dmax is defined as a maximum optical density achieved when the media is exposed to a particular radiation source and is then

thermally developed. The image element further has a exposed, thermally developed area which is separate from the medical image, which is disposed along a length of at least one edge of the media, and which has an optical density less than the  $D_{max}$  and greater than the  $D_{min}$  of the medical image.

The present invention solves two problems in the prior art. The first problem involves the potential for the image element (emulsion) of the media being marred or peeled away from the support if the thermally processed material is not sufficiently cooled prior to coming into contact with a guide or blade. To reduce/eliminate such an occurrence, existing films include a leading edge having an area having a clear/transparent  $D_{min}$ . This is shown in Figure 2 and described in the Specification at page 8, lines 1-11. This solution presents a second problem because the clear/transparent edge will allow light to pass through when placed on a light box by a health professional interpreting the medical image. This light is blinding and can affect interpretation of the medical image. The present invention (as shown, e. g., in Figures 3-5) solves both these problems by providing an area separate from the medical image having a non- $D_{min}$  optical density at an edge of the media. The edge area has an optical density between  $D_{min}$  and  $D_{max}$  of the medical image.

Clearly, Shoji does not anticipate or render obvious the claimed invention. There is no disclosure in Shoji of a solution to the problems solved by the claimed invention. There is no disclosure in Shoji of providing an edge area having an optical density between  $D_{min}$  and  $D_{max}$  that is separate from the exposed and thermally processed image. As stated at Col. 5, lines 48-52 of Shoji; "an object of the present invention is to provide a photosensitive material and a recording method is free from bleeding in a boundary when a void image is formed in a black background or when a black ground is recorded in a half tone portion." The Examiner has conceded as much but relies on "inherency" to fill the glaring hole in the disclosure of Shoji. The solution to the problems solved by the present invention is different from the problems alleged to be solved by Shoji. It is submitted that Claims 19-27 are novel and nonobvious over Shoji and should be allowed.

With respect to EP '586, the discussion above relating to the claimed invention is equally applicable here and will not be repeated. As with Shoji, there is no disclosure in EP '586 of providing an edge area having an

optical density between Dmin and Dmax that is separate from the image. Again, the Examiner concedes as much and falls back on the "inherency" argument. This argument is challenged. As with Shoji, the problem to be solved in EP '586 and the solution disclosed is completely inapposite to the present invention. As stated on Page 2, lines 3-4 of EP '586 "The invention relates to a photothermographic silver halide material and method for producing in such a material improved fog stability on shelf aging by a combination of an isocyanate and a halogenated compound". Arguing inherency cannot cure the deficiencies in the disclosure of EP '586. It is submitted that Claims 19-27 are novel and nonobvious over EP '586 and should be allowed.

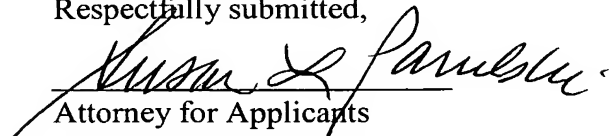
### Summary

Should the Examiner consider that additional amendments are necessary to place the application in condition for allowance, the favor is requested of a telephone call to the undersigned counsel for the purpose of discussing such amendments.

For the reasons set forth above, it is believed that the application is in condition for allowance. Accordingly, reconsideration and favorable action are respectfully solicited.

The Commissioner is hereby authorized to charge any fees in connection with this communication to Eastman Kodak Company Deposit Account No. 05-0225.

Respectfully submitted,

  
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